



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 14 2018

REPLY TO THE ATTENTION OF: SE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Kevin Doyle
ArcelorMittal Indiana Harbor LLC
3210 Watling St.
East Chicago, IN 46312

RE: Applicability of Section 311(j)(5) of the Clean Water Act, as amended by the Oil Pollution Act of 1990 for ArcelorMittal Indiana Harbor West, 3001 Dickey Road, East Chicago, IN 46312; FRP0500031

Dear Mr. Doyle:

On May 3, 2016, ArcelorMittal Indiana Harbor, LLC (ArcelorMittal) submitted a letter to the U.S. Environmental Protection Agency stating its intention to vacate the Facility Response Plan (FRP) program at the Indiana Harbor West facility (Facility). The letter stated that the Facility had undergone substantial operational changes, including the indefinite idling of the 84" Hot Strip Mill (at the end of March 2016) and permanently closing all oil storage containers at the Hot Strip Mill (also part of the idling process).

During the week of August 9, 2016, EPA conducted an inspection and found that the tanks in the 84" Hot Strip Mill had not been permanently closed. On April 12, 2017, EPA sent your Facility information requests pursuant to Sections 308 and 311 of the Clean Water Act. ArcelorMittal responded to the information requests on May 31, 2017, and July 24, 2018. The submitted information included a closure report, photo documentation, and the Facility's Spill Prevention Control and Countermeasure (SPCC) Plan. After reviewing your responses to the information requests, EPA is denying your request to withdraw from the FRP program as the information provided is incomplete. Please see below for more detailed discussion on the denial.

I. Tanks Not Permanently Closed

The response regarding the fate of the oil in "permanently closed" tanks is vague and does not provide enough information for EPA to confirm that the tanks were in fact permanently closed. ArcelorMittal provided two unlabeled invoices that do not show what was cleaned, what company performed the work, or that the work was in any way associated with the cleaning of any tanks. In addition, the Facility's current SPCC Plan appears to include discussions of the oil that was apparently removed from the site. Specifically, Page 9 of the Facility's current SPCC Plan, dated July 2018, states "Included in the bulk storage calculation is 336,000 gallons of oil capacity in inactive tanks." Lastly, the 84" Hot Strip Mill tanks may contain a "heel" and

therefore, are not permanently closed pursuant to the definition set forth in 40 C.F.R. § 112.2, which states *permanently closed* means any container or facility for which:

- (1) All liquid and sludge has been removed from each container and connecting line; and
- (2) All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure”.

Based on this information, a determination on the fate of the oil in the tanks could not be made.

II. Inaccurate Tank Inventory

EPA has conducted a container by container inventory based on the July 2018 SPCC Plan provided by the Facility in its response to the information requests and calculated the following:

- a) The transformer inventory calculated by EPA based on the July 2018 SPCC Plan is 225,799 gallons; and
- b) The total container inventory including fixed and portable tanks, portable container and oil filled operational equipment is 820,889 gallons.

Thus, the total oil storage capacity at the Facility is greater than 1 million gallons, which triggers FRP requirements.

There are three tanks which are included in EPA’s container inventory which affect the total volume. Without suitable documentation, EPA will continue to count these tanks as active and include them in the Facility’s total oil inventory.

- a.) Tank T-4A5 is listed in both Facility inventories -- Attachment 1 of the May 2017 submission and the July 2018 SPCC Plan. The Facility states: “the goal is to have the tank permanently closed in Fall 2018.” Based on this statement, EPA will consider this 256,000-gallon Tank in the inventory for purposes of both the FRP and SPCC until such time as ArcelorMittal provides suitable documentation that the tank has been permanently closed. At that time, the inventories could be modified to remove the tank.
- b.) Tanks T-4E45 and T-4E46 remain in EPA’s tank inventory. These 200,000 and 10,000-gallon tanks contain oil and water and are located in the West Finishing area of the plant. During EPA’s inspection of the Facility in July 2016, EPA inspected these tanks and discussed their status with the company. The company reported that it believed the tanks are exempt from SPCC under the wastewater exclusion. EPA requested documentation of this from the Facility and also obtained information from the EPA’s National Pollution Discharge Elimination System (NPDES) program to confirm this status. The documentation provided by the Facility is thus far insufficient. The tanks are not specifically identified as

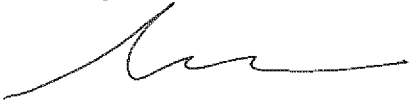
part of the treatment plant in the Facility's NPDES submission. Both tanks were omitted from the May 2017 and July 2018 tank inventories provided by the Facility. EPA does not have sufficient data to confirm an exemption from the requirements or to remove these volumes from the tank inventory. As such, EPA continues to consider these tank capacities as subject to FRP and SPCC requirements.

Based on the information submitted, your withdrawal request is denied as the request is premature for the reasons outlined above. EPA has determined that since your Facility is located in close proximity to the shore line and that total oil storage capacity is still over one million gallons, your Facility could reasonably be expected to cause substantial harm to the environment by discharging oil into or on navigable waters, adjoining shorelines, or exclusive economic zones. As a result, your Facility is required to submit an updated FRP. If you would like to resubmit a withdrawal request in the future, please do so and we will review your request.

Please submit your updated FRP to: Alex Tzallas, FRP Coordinator, U.S. Environmental Protection Agency, 77 West Jackson Boulevard (SE-5J), Chicago, Illinois 60604.

If you have any questions regarding this correspondence, please contact Alex Tzallas at (312) 886-0622.

Sincerely,



for Jason H. El-Zein, Chief
Emergency Response Branch 1
Superfund Division

